

United States Bankruptcy Court
Southern District of New York

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In re :
DELPHI CORPORATION, et al., : Case No. 05-44481 (RDD)
Debtors : Chapter 11
: (Jointly Administered)
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Address: Delphi Corporation
5725 Delphi Drive
Troy, Michigan 48098

NOTICE OF OBJECTION BY FRANK E. RIDOUX, CURRENT DEBTOR RETIREE TO
"MOTION FOR ORDER UNDER 11U.S.C. §§ 105, 363(b)(1), AND 1108 CONFIRMING DEBTORS'
AUTHORITY TO TERMINATE EMPLOYER-PAID POST RETIREMENT HEALTH CARE BENEFITS AND
EMPLOYER-PAID POST-RETIREMENT LIFE INSURANCE BENEFITS FOR CERTAIN (A) SALARIED
EMPLOYEES AND (B) RETIREES AND THEIR SURVIVING SPOUSES ("SALARIED OPEB
TERMINATION MOTION")", Document #14705 filed February 4, 2009 and delivered to Frank E. Ridoux
February 6, 2009.

I, Frank E. Ridoux, am submitting this document to object to the Debtors motion prior to the stated
deadline of February 17, 2009 at 4:00PM and per all other requirements contained wherein. I would like
the court to consider my objections to the motion as follows:

1. I **object** to the Debtor's deadline of **February 17, 2009**. I was given only 5 working days to
develop a response and file said response with the court. Given that I had no prior knowledge of
this Debtor action and that I have no authorized representative in this case, I feel that the time
given was insufficient to present all possible arguments and their basis.
2. I **object** to the Debtors' **selection of termination of Salaried OPEB** option. Basis: Since I have
no authorized representative before this Court there has been no opportunity to explore other
options included in the Debtors' benefit plan such as **amend or modify**.

3. I object to the Debtors' claim, page 24 in the motion, that section 1114(d) of the

Bankruptcy Code is inapplicable. Basis: 11 U.S.C §1114(2)(d) expressly directs the court to appoint an authorized representative upon receipt of a motion from an interested party for the case where the retiree group is not represented by a collective bargaining unit.

4. I object to the Debtor's Basis for Relief paragraph E(34) on pg 18 regarding reservation of rights. Basis: I do not know this to be fact and the Debtors' have provided no documentation that the Debtors have **always** retained such authority. In *Devlin v. Empire Blue Cross*, 274 F.3d 76 (2d Cir. 2001), cert. denied, 123 S. Ct. 1015 (2003), the court concluded that the reservation of rights language had to have been in the SPD when the employee was hired. Otherwise, there was no reservation of rights with respect to that employee, regardless of whether the SPD was changed before the employee retired. I have no knowledge that the reservation of rights language was in the SPD when I hired in on Oct 1, 1973. Since I have no authorized representative the provisions of 11 U.S.C §1114(2)(f)(1)(A) and (B) cannot be exercised to obtain this and other relevant information necessary to evaluate the Debtors' Motion.

5. I object to the Debtors' termination of Salaried OPEB for retirees that were hired prior to 1993. Basis: In the Debtors' motion Basis for Relief paragraph H(40) on page 20 the Debtors state that salaried employees hired between 1993 and 2000 "in lieu of employer-paid Salaried OPEB receive a 1 % employer contribution into their defined contribution plan". Employees hired prior to 1993 do not and have never received this 1 % contribution. Elimination of the Salaried OPEB may therefore trigger a violation of ADEA since a class of generally older workers hired prior to 1993 would then have received less compensation than a class of younger workers hired between 1993 and 2000.

In accordance with the instructions contained in the referenced Debtors' motion, this written **NOTICE OF OBJECTION BY FRANK E. RIDOUX,**

1. Is being filed with the bankruptcy court as a Microsoft Word document on 3.5 inch disk at:
United States Bankruptcy Court for the Southern District of New York
One Bowling Green
Room 610
New York, NY 10004
Attn: Dorothy Li
2. Is being submitted as a hard copy directly to the Honorable Robert D. Drain at:
United States Bankruptcy Court for the Southern District of New York
One Bowling Green
Room 610
New York, NY 10004
In Care Of Dorothy Li Attn: The Honorable Robert D. Drain
3. Printed copies are being mailed to:
Delphi Corporation
5725 Delphi Drive
Troy, MI 48098
Attn: General Council

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
333 West Wacker Dr
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Chicago, IL 60606
Attn: John Wm. Butler, Jr.

Davis Polk & Wardwell
450 Lexington Ave
New York, NY 10017
Attn: Donald Bernstein and Brian Resnick

Latham and Watkins LLP
885 Third Ave
New York, NY 10022
Attn: Robert J Rosenberg and Mark A. Broude

Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, NY 10004
Attn: Bonnie Steingart

Office of the United States Trustee for the Southern District of New York
33 Whitehall Street
Suite 2100
New York, NY 10004
Attn: Brian Masumoto

SKADDEN, ARPS, SLATE, MEAGHER, & FLOM LLP
Four Times Square
New York, NY 10036
Attn: Kayalyn A. Marafioti

Wherefore Frank E. Ridoux respectfully requests that the Court consider and act on objections listed above in 1 through 5.

Date: _____

Signature: _____

Frank E. Ridoux
2921 S. Park Rd.
Kokomo, IN 46902
Phone: (765)455-2102

All Printed copies filed are signed.
The 3.5 inch disk copy is signed on the disk label.